UNITED STATES PATENT AND TRADEMARK OFFICE

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KENDYL A ROMAN		PHAM, MICHAEL	
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)
Office Action Summary		10/646,991	ROMAN ET AL.
		Examiner	Art Unit	
		Michael D. Pham	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 December 2006._

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

Specification

1.   Prior objection to specifications to provide explicit antecedent for Internet service

providers has been respectfully withdrawn.

Claim Objections

2.   Prior objection to claims to correct informalities have been respectfully withdrawn.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section
122(b), by another filed in the United States before the invention by the applicant for
patent or (2) a patent granted on an application for patent by another filed in the United
States before the invention by the applicant for patent, except that an international
application filed under the treaty defined in section 351(a) shall have the effects for
purposes of this subsection of an application filed in the United States only if the
international application designated the United States and was published under Article
21(2) of such treaty in the English language.

4.   Claims 1-4, 6-7, 9-14, 17-18, and 20 rejected under 35 U.S.C. 102(e) as being anticipated

by U.S. patent application publication 2002/0092004 by Lee et. al. (hereafter Lee).

Claim 1:

A system for developing and maintaining a network based application wherein said application

has a common look and feel, said system comprising:

"a. a database comprising data tables and storage" [figure 1, elements 14, 30, 38, 18 disclose

databases. One of ordinary skill in the art would know databases may contain tables and is used

for storage.],

"b. a code generator interfacing with said database" [figure 1 and paragraph 0033,

generator/design programs are connected with databases],

"c. toolkit programs, stored in said database" [0065, generator programs, 0004, tool kit to aid in

development of software. 0038, design databases]", comprising:

    i. an application layer"[0004, data tier, compiled code interacts with database],

    "ii. an interface layer"[0004, presentation tier], and

    "iii. a core layer"[0004, business tier, compiled code serves user requests/enforces

business rules]

"d. code definition files providing input to the code generator" [0036, receives design database

file],

"e. data definition files for defining said data tables" [0034, xml document, specific structure],

"wherein said code generator generates code for said application by processing code definition

files" [0064, generates application according to design file] ", wherein said data definition files

configure said data tables to support said toolkit and said application"[0062, XML configures

relationships between entities.] ", wherein said data tables comprise user data and operational

data for said system"[0081 user data, 0065 stored procedural code in database] ", whereby the

operation of a plurality of portions of said application can modified by making a single

modification to said code definition files" [0068, direct manipulation or modification of the

generated software application to add custom features not included by default through the use of

the design program or the generator program].

Claim 2:

The system of claim 1, further comprising at least one document generator, wherein said

document generator generates documentation of the design details of the system in at least one

document format [0058, able to produce HTML document].

Claim 3:

The system of claim 1, wherein said network is the Internet [0033, internet].

Claim 4:

The system of claim 3, further comprising:

a. a web site, connected to the Internet, comprising:

    i. a web server in communication with said toolkit [0072, web server accesses generated

system files],

    ii. a file system in communication with said toolkit[0064 and 0070, virtual directories,

file directories],

b. at least one remote web browser running on a web browsing device connected to the Internet,

wherein said system generates dynamic web pages base on data and programs stored in said

database, whereby a user can interact with said application and view said web pages [0066, 0057,

0094, web browser template files, and dynamic reports in html].

Claim 6:

The system of claim 4, wherein the system generates web pages for a plurality of formats[0087, generates web documents for different languages].

Claim 7:

The system of claim 6, wherein said format is for a conventional web browser[0066, web browser template files. 0087, html].

Claim 9:

The system of claim 4 further comprising a predetermined set of code definition files and data definition files, wherein said set of definition files provides a fully functional web site, comprising:

a. default data tables [0046, default values for defined entities],

b. user interface pages[0058, html],

c. graphics[0056, contains images],

d. toolkit programs providing commonly needed features, such as user accounts, password management, web site administration, billing, and security, whereby a substantially robust web site application is provided without modification of said definition files [0065, 0081, user management functions.].

Claim 10:

The system of claim 9 wherein said predetermined set of files provides a working example of

how to generate an application such as said robust website application, wherein said working

example provides a starting point for developing a substantially different application by

modification of said definition files [0056, theme selection. 0036 design files].

Claim 11:

The system of claim 1 wherein said code generator, said data database, and the interface and

operation of said application can be customized by modifying said code definition files and data

definition files [0068, modification of the generated software application to add custom features

not included by default through the use of the design program or the generated program. (i.e.

uses direct modification of design programs or the generated program to customize)].

Claim 12:

The system of claim 1 wherein said database contains the structure for said data tables and the

data stored in said tables [0064, database on database server includes tables, indices,

relationships etc.].

Claim 13:

The system of claim 1 wherein one of said application layer, said interface layer, and said core

layer can be changed without changing the remaining two layers, whereby such change results in

a difference in said application [0056, changes presentation not business tier nor data tier].

Claim 14:

The system of claim 13 wherein said interface layer defines a plurality of looks and feels whereby one look and feel can be changed though out the entire application without changing the remaining looks and feels and without changing the application layer [0056, theme selection, able to change options of interface, but able to keep default].

Claim 17:

The system of claim 13 wherein said application layer defines the operation of the application, whereby changing the application layer results in a different functional application [0068, customizing changes results in an application.].

Claim 18:

The system of claim 13 wherein said database contains a plurality of customizations that result in a plurality of substantially different applications, and wherein the core layer defines the operation of the system itself, whereby changing the core layer results in providing system wide functionalities that affect all applications [0068, customizing applications, modification of the generated software application to add custom features not included by default through the use of design programs or the generator program. 0004, business tier.].

Claim 20:

In a system comprising of a web server, a database, a toolkit, and an application code generator, a method of producing custom web sites with substantially different looks and operations for diverse business disciplines comprising the steps of:

a. defining data in data definition files [0062, xml document defines entities, relationships, etc.],

b. specifying code in code definition files[0036, design database files],

c. generating data tables based on said data definition files [0062, xml configures relationships between entities],

d. generating code based on said code definition files [0036, generating application according to design database file],

e. storing said generated code in said database along with said toolkit [0065, stored procedural code in database.], and

f. modifying data stored in said database associated with at least one of said web sites, whereby said system will dynamically generate web pages for at least one of said websites having a substantially different look or operation than at least one other of said websites[0036, an application may be built by combining files or prior created applications].

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2002/0092004 by Lee et. al. (hereafter Lee) as applied to claim 1-4, 6-7, 9-15, 17-18, and 20 above, and further in view of U.S. Patent Application Publication 20040015476 by Twaddle (hereafter Twaddle).**

Claim 5:

However, Lee does not explicitly disclose further comprising a second web browser being viewed by a second user, wherein said web pages can be customized for specific users, such that the dynamic web page generated for the first user is different than the dynamic web page generated fro the second user.

On the other hand, Twaddle discloses, 0008, multiple types of user specific web-pages, being those user specific web-pages wherein the information thereon does not change, being static web-pages, user specific web-pages wherein the information content only changes periodically, and can therefore be considered semi-static, and finally user specific web-pages wherein the information content can change in real time, and therefore the web-page can be considered to be dynamic.

Both inventions are disclose a method of web-page generation. It would have been obvious to one of ordinary skill to have modified Lee to have included a second web browser being viewed by a second user, wherein said web pages can be customized for specific users, such that the

dynamic web page generated for the first user is different than the dynamic web page generated

fro the second user. A skilled artisan would have been motivated to do so in order to provide

user specific data to user accounts. In this case it would provide user specific interfaces to user

accounts that lee discloses.

7.   **Claim 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.**

Patent Application Publication 2002/0092004 by Lee et. al. (hereafter Lee) as applied to

claim 1-4, 6-7, 9-15, 17-18, and 20 above, and further in view of U.S. Patent Application

Publication 2002/0129096 by Mansour et. al. (hereafter Mansour).

Claim 8:

Lee does not explicitly disclose wherein said format is for a mobile device, such as a mobile

phone or personal digital assistant. On the other hand, Mansour discloses wap phones, 0008. All

inventions are directed towards user interfaces applications. It would have been obvious to one

of ordinary skill at the time the invention was made to have modified Lee to have included a

WAP format based on the disclosure of Mansour. A skilled artisan would have been motivated

to do so for the purpose of providing more portability for the current application.

Claim 19:

The system of claim 18, further comprising at least one Internet server configured for

hosting a substantially large number of applications, wherein said server is operated by an

Internet Service Provider providing services to a plurality of application owners, whereby each

of said application owners share a common application or core layer and is provided a custom

look and feel for their specific application by customization of the data in the database that

affects the interface [Mansour, 0056 settings for the appearance. 0074 discloses application

server.].

8.   **Claim 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

U.S. Patent Application Publication 2002/0092004 by Lee et. al. (hereafter Lee) in further

view of U.S. Patent Application Publication 2002/0129096 by Mansour et. al. (hereafter

Mansour) and U.S. Patent Application Publication 20040015476 by Twaddle (hereafter

Twaddle).

Claim 15:

Lee does not explicitly disclose wherein different formats are generated by the toolkit for display

on different web browsing devices, whereby one said change results in changing the look and

feel of what is displayed on a plurality of web browsing devices. On the other hand Mansour

discloses wireless application protocol format as well as html format, 0008. All inventions are

directed towards user interface applications. It would have been obvious to one of ordinary skill

in the art at the time the invention was made to have modified Lee to have included different

formats are generated by the toolkit for display on different web browsing devices based on the

disclosure of Mansour. A skilled artisan would have been motivated to do so for the purpose of

providing more portability. More portability provides a wider audience to utilize the developed

application.

Furthermore, Twaddle discloses, 0008, multiple types of user specific web-pages, being those user specific web-pages wherein the information thereon does not change, being static web-pages, user specific web-pages wherein the information content only changes periodically, and can therefore be considered semi-static, and finally user specific web-pages wherein the information content can change in real time, and therefore the web-page can be considered to be dynamic.

All inventions are disclose a method of user interface applications. It would have been obvious to one of ordinary skill to have modified Lee and Mansour to have included one said change results in changing the look and feel of what is displayed on a plurality of web browsing devices based on the disclosure of Twaddle. A skilled artisan would have been motivated to do so in order to provide updated information for user specific data.

Claim 16:

Lee does not explicitly disclose wherein one of said plurality of web browsing devices support the WAP format. On the other hand, Mansour discloses wireless application protocol format, 0008. All inventions are directed towards user interfaces applications. It would have been obvious to one of ordinary skill at the time the invention was made to have modified Lee to have included a WAP format based on the disclosure of Mansour. A skilled artisan would have been motivated to do so for the purpose of providing more portability for the current application.

Response to Arguments

9.   Applicant's arguments filed 12/28/06 have been fully considered but they are not

persuasive. The examiner respectfully submits a traversal of all Applicant arguments made.

Applicants' have made the following assertions (lettered) made in respect to the UNAMENDED

claims (aside from minor informalities):

A.   Page 13, A. Claim 1(a), Assertions directed towards "A system for developing and

maintaining a network based application wherein said application has a common look and feel,

said system comprising:

        a. a database comprising data tables and storage...". That claim 1 requires one fully

functional application web site with a robust database. Citing "the system of the present

invention is designed for use with a robust, industrial strength database. Oracle, for example, is

portable to many platforms". That in addition "the toolkit comes complete with an initial

working database model (that manages those functions common to most web sites) and the web

site user interface pages including graphics, code and pre-programmed modules that can be used

as is or customized. They are included in the project and are fully functional. That in contrast,

Lee figure 1 teaches a variety of databases including "a design database 30 and generated system

database 32". That an application meta model must be defined in the design database to

facilitate application design. The application or "generated system database is maintained

separately. That both of these databases are neither pre-populated nor fully functional as an

"application website".

First, in response to applicant's arguments, it is respectfully submitted that the recitation

"A system for developing and maintaining a network based application wherein said application

has a common look and feel, said system comprising:" has not been given patentable weight

because the recitation occurs in the preamble. A preamble is generally not accorded any

patentable weight where it merely recites the purpose of a process or the intended use of a

structure, and where the body of the claim does not depend on the preamble for completeness

but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao,

535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478,

481 (CCPA 1951).

Second, in response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies (i.e.,

"the system of the present invention is designed for use with a robust, industrial strength

database. Oracle, for example, is portable to many platforms", "the toolkit comes complete with

an initial working database model (that manages those functions common to most web sites) and

the web site user interface pages including graphics, code and pre-programmed modules that

can be used as is or customized...", etc.) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Third, in response to applicant's argument it is respectfully submitted that the claimed

limitation "a database comprising data tables and storage" is taught by the cited reference, Lee.

Applicants agree that Lee discloses a variety of databases. It is obvious that one of ordinary

skill in the art at the time the invention was made that a database contains tables, and further is

utilized for storage. Lee, [0064;l. 12-16] discloses that it is possible to create a database

containing tables, and further utilizing databases to store elements [0035; l. 7-8]. Accordingly,

applicant's assertions directed to claim 1 a, "a database comprising data tables and storage",

not taught by Lee, is unpersuasive over the prior art.

B.   Page 13-14, B. Claim 1(b), Assertions directed towards "b. a code generator interfacing

with said database". Applicant asserts that claim 1 requires a code generator which uses a code

definition file (e.g. a marked up create table statements file) and generates database source code

(for example PL/SQL) for the application layer. That "first the developer must create a code

definition file 160. This file is used as input to the code generator 170, which, in the Oracle

embodiment, produces 'standarized' Oracle PL/SQL source code." That in contrast Lee teaches

"a design application configured to receive a system design and create a design database file, and

a generator application configured to receive the design database file and create a computer-

generated software application that includes a presentation tier, a business tier, and a data tier".

That while Lee teaches the capture of some data with the designer, the data captured is not

entirely the same. That there are also differences in Lee's implementation.

First, in response to applicant's argument that the references fail to show certain features

of applicant's invention, it is noted that the features upon which applicant relies (i.e., "requires

a code generator which uses a code definition file (e.g. a marked up create table statements file)

and generates database source code (for example PL/SQL) for the application layer. That "first

the developer must create a code definition file 160. This file is used as input to the code

generator 170, which, in the Oracle embodiment, produces 'standarized' Oracle PL/SQL source

code.") and the web site user interface pages including graphics, code and pre-programmed

modules that can be used as is or customized...", etc.) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993).

Secondly, as to the statements "while Lee teaches the capture of some data with the

designer, the data captured is not entirely the same. That there are also differences in Lee's

Implementation." Applicants' do not specifically point out how the language of the claims

patentably distinguish them from the references. Therefore, Applicant's arguments fail to comply

with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a

patentable invention without specifically pointing out how the language of the claims patentably

distinguishes them from the references.

Lastly, as to the claim limitation itself, the claimed limitation merely requires a code

generator interfacing with said database. The fact that a design application is configured to

receive a system design (generated code) and create a design database obviously infers that a

code generator interfaces with a database because a system design is connected to a database

application. See further figure 1 where generator programs are connected to various databases.

C.   Page 14, C. Claim 1(C)(i), Assertions directed towards "c. toolkit programs, stored in

said database, comprising:

i. an application layer...".

Applicant's assert that the present invention requires "application layer defines the operation of the application" (claim 17). That there is one set of packages for each function in the application. Not all functions map to entities. The functions are written in PL/SQL. No presentation code (look and feel) is generated as part of the generated code. That in contrast Lee teaches, "in step 245, the generator program 28 generates the presentation tier of the application. In this step, the presentation controller classes 162 are created for each entity 50 needed for the generation application including, in a preferred embodiment, security and reports. In step 250, the generator program 28 creates the business object code 164 for each entity 50 used in the generated software application 40." With presentation controller classes are generated for each entity, the presentation in whole or in part is included per entity and implemented separately.

First, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., requires "application layer defines the operation of the application" (claim 17). That there is one set of packages for each function in the application. Not all functions map to entities. The functions are written in PL/SQL. No presentation code (look and feel) is generated as part of the generated code.) and the web site user interface pages including graphics, code and pre-programmed modules that can be used as is or customized...", etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). .

Secondly, as to the claim limitation itself, the claimed limitation merely requires an

application layer. The fact that Lee 0065 discloses that "the generator program generates the

presentation tier of the application" suggests that there is an application layer in Lee's system.

Further, Lee discloses, 0004 a data tier, which is the compiled code that interacts with the

relational database. Hence, Lee suggests an application layer.

D. Page 14, C. Claim 1(C)(ii), Assertions directed towards "an interface layer, and..."

That the present invention requires an "interface layer defines a plurality of looks and feels

whereby one look and feel can be changed through out the entire application without changing

the remaining looks and feels and without changing the application layer". That this layer

consists of code that dynamically generates the presentation portion when a function is

requested. That at this point decisions may be made regarding destination browser, html vs.

wml, specific user, etc. That ths layer is application layer independent. That in contrast Lee

teaches that the presentation controller classes are generated for each entity, that the presentation

n whole or in part is included per entity.

First, in response to applicant's argument that the references fail to show certain features

of applicant's invention, it is noted that the features upon which applicant relies (i.e., requires an

"interface layer defines a plurality of looks and feels whereby one look and feel can be changed

through out the entire application without changing the remaining looks and feels and without

changing the application layer". That this layer consists of code that dynamically generates the

presentation portion when a function is requested. That at this point decisions may be made

regarding destination browser, html vs. wml, specific user, etc. That ths layer is application

layer independent.) are not recited in the rejected claim(s). Although the claims are interpreted

in light of the specification, limitations from the specification are not read into the claims. See

In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Secondly, as to the claim limitation itself, the claimed limitation merely requires an

interface layer. The fact that Lee discloses, [0065: l. 12-29] "presentation controller classes

162 are created for each entity 50 needed for the generation application including, in a

preferred embodiment, security and reports." suggests that there is an interface layer in Lee's

system. There is no such requirement of independence. Furthermore, even if there was a

requirement of independence, Lee still discloses, 0004, a presentation tier.

E. Page 15, E. Claim 1(C)(iii), Assertions directed towards "a core layer". That the invention

requires that the "core layer defines the operation of the system itself, whereby changing the core

layer results in providing system wide functionalities that affect all applications. That this layer

is system wide and not entity specific.

First, in response to applicant's argument that the references fail to show certain features

of applicant's invention, it is noted that the features upon which applicant relies (i.e., requires an

"changing the core layer results in providing system wide functionalities that affect all

applications".*) are not recited in the rejected claim(s). Although the claims are interpreted in*

light of the specification, limitations from the specification are not read into the claims. See In

re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). That is, there is no

requirement in the respective claim limitation aside from a core layer. Hence the core layer may

comprise any type of core layer for any object.

Secondly, as to the claim limitation itself, the claimed limitation merely requires a core

layer. The fact that Lee discloses, "persistence controller classes" for each entity, suggests that

there is a core layer effective for each entity. However, even if it was required that the core

layer is system wide, Lee discloses 0004 discloses "business tier"; which is the compiled code

that serves user requests and enforces business rules hence suggesting system wide changes for

the business application. Surely, business rules would be considered a system wide changes as

business rules define how a business operates.

F. Page 16, F. Claim 1(D), Assertions directed towards "d. code definition files providing input

to the code generator". That the invention teaches "first, the developer creates a code definition

file 160 that directs the code generator 170 to generate, in the Oracle embodiment, an Oracle

PL/SQL source code file". That these files detail the application layer level parameters per

entity. That the code definition file format is novel. That in contrast Lee teaches "a design

application configured to receive a system design and create a design database file, and a

generator application configured to receive the design database file, and a generator application

configured to receive the design database file, and a generator application configured to receive

the design database file and create a computer-generated software application that includes a

presentation tier, a business tier, and a data tier". Also, the system of claim 14, wherein said

generator application is configured to convert said design database files into an extensible

markup language file".

First, in response to applicant's argument that the references fail to show certain features

of applicant's invention, it is noted that the features upon which applicant relies (i.e., that

"developer creates a code definition file 160 that directs the code generator 170 to generate, in

the Oracle embodiment an Oracle PL/SQL source code file." And that these files detail the

application layer level parameters per entity.*) are not recited in the rejected claim(s). Although*

the claims are interpreted in light of the specification, limitations from the specification are not

read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Secondly, as to the claim limitation itself, the claimed limitation only requires code

definition files provided as input for a code generator. That is, there is a mere claim of computer

code provided to a code generator. The fact that Lee discloses, [0009], that "..a generator

application configured to receive the design database file and create a computer-generated

software application.." suggests that code definition files are provided as input for a code

generator. Accordingly, the Applicant's assertion is not persuasive over the cited art.

G. Page 16, G. Claim 1(e), Assertions directed towards "data definition files for defining said

data tables, wherein said code generator generates code for said application by processing code

definition files, wherein said data definition files configure said data tables to support said toolkit

and said application, wherein said data tables comprise user data and operational data for said

system, whereby the operation of a plurality of portions of said application can modified by

making a single modification to said code definition files.". That the present invention uses for

example a create table statement file as "data definition file". The tables are generated in an

Oracle database from a set of files containing Oracle create table, sequence, indexes, triggers.

That in contrast, Lee uses a different paradigm, i.e. different means.

First, in response to applicant's argument that the references fail to show certain features

of applicant's invention, it is noted that the features upon which applicant relies (i.e., That the

present invention uses for example a create table statement file as "data definition file". The

tables are generated in an Oracle database from a set of files containing Oracle create table,

sequence, indexes, triggers.) *are not recited in the rejected claim(s). Although the claims are*

interpreted in light of the specification, limitations from the specification are not read into the

claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Secondly, as to applicant's statement that Lee utilizes "a different means. It appears

applicant's admit that Lee discloses the same functionality however under a different means (i.e.

does not utilize oracle).

MPEP 2144.04 (VI) (C)

Rearrangement of Parts

In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic
power press which read on the prior art except with regard to the position of the
starting switch were held unpatentable because shifting the position of the starting
switch would not have modified the operation of the device.); *In re Kuhle,* 526
F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a
conductivity measuring device was held to be an obvious matter of design
choice). However, "The mere fact that a worker in the art could rearrange the
parts of the reference device to meet the terms of the claims on appeal is not by
itself sufficient to support a finding of obviousness. The prior art must provide a
motivation or reason for the worker in the art, without the benefit of appellant's
specification, to make the necessary changes in the reference device." *Ex parte
Chicago Rawhide Mfg. Co.,* 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

One of ordinary skill in the art at the time the invention was made would have known to utilize all kinds of different database systems in order to create the application. One of ordinary skill in the art would recognize there are many different types of tools to use for databases, especially well known tools such as Oracle. Essentially, it does not necessarily matter, what tool such as Microsoft SQL server, Oracle, MySQL, etc. is used as long as it is able to fulfill the intended functionality of the claimed limitation.

Thirdly, as too the claim limitation itself. Lee suggests "data definition files for defining data tables". Lee discloses [0065, l. 10-12], wherein the persistence controller class provides the logic that relates to saving, deleting, and retrieving data about specific instances of an entity. Hence, Lee suggests data definition files for defining said data tables. Lee discloses, [0009], that "..a generator application configured to receive the design database file and create a computer-generated software application.." suggests that code definition files are provided as input for a code generator, and in doing so, the code generator generates code for said application by processing the code definition files. Furthermore, the data definition files (0062, XML configures relationships between entities) configure said data tables to support said toolkit and said application. Furthermore, Lee discloses 0068, that there is the ability to customize the generated software application. Where custom code is provided at the designer level. Hence, Lee suggests the final limitations of claim "whereby the operation of a plurality of portions of said application can [be] modified by making a single modification to said code definition files". That is there is the ability to modify by making a single modification (e.g. custom code) at the designer level (e.g. designer programs or generator programs).

Therefore, for the above reasons, claim 1 is anticipated by the Lee reference and it is respectfully

submitted that applicant's current claim limitations and arguments are unpersuasive over the

cited references. Accordingly, dependent claims depending on a rejected claim are further

rejected for being dependent to a rejected independent claim.

H. page 17, Claim 2. Assertions directed towards "the system of claim 1, further comprising at

least one document generator, wherein said document generator generates documentation of <u>the</u>

<u>design details of the system</u> in at least one document format". (emphasis added). Stating that

claim 2 requires a document generator that generates design documentation that details the

design and implementation and, for example, includes entities, attributes, relationships, and

functions. That these are fully indexed with a table of contents. In addition, html, rtf, and other

documents may be generated also as a post process. That there is no discussion of generating

documentation outlining the design details of the system. That while there is discussion of

HTML and GUI layouts of the generated system (application software pages), but there is no

discussion of system documentation generation. That these are not a design document as

required by the claim.

In response to applicant's argument that "wherein said document generator generates

documentation of the design details of the system in at least one document format", a recitation

of the intended use of the claimed invention must result in a structural difference between the

claimed invention and the prior art in order to patentably distinguish the claimed invention from

the prior art. If the prior art structure is capable of performing the intended use, then it meets

the claim.

Secondly,, as too the claim limitation. Based on the above made arguments, all that is

required is a document generator. 0058, generates html documents, accordingly an "at least

one document generator" is disclosed. Furthermore, Lee further discloses 0039 that the

generator program creates a validated design database file. Hence, Lee discloses a document

generator generating a document of the design details of the system in at least one document

format. Therefore, Lee suggests the claimed limitation of claim 2.

H. page 18, Claim 3. Assertions directed towards "The system of claim 1, wherein said network

is the Internet." That claim 3 is dependent on claim 1 and thus should be patentable for all the

same reasons as that of claim 1.

In response, it is respectfully submitted that the rejection of claim 1 has been maintained.

Accordingly, claim 3 is rejected for being dependent upon a rejected independent claim.

Secondly, claim 3 merely requires that the network is internet. Lee discloses a networked

environment including internet on 0033. Therefore, Lee further anticipates claim 3.

I. Page 18, Claim 4. Assertions directed towards "the system of claim 3, further comprising:

    a. a web site, connected to the Internet, comprising:

    i. a web server in communication with said toolkit,

    ii. a file system in communication with said toolkit,

b. at least one remote web browser running on a web browsing device connected to the

Internet, wherein said system generates dynamic web pages base on data and programs stored in

said database, whereby a user can interact with said application and view said web pages." That

claim 4 requires a web based application that requires a web server, file system, database, and

browsers in communication with the toolkit of claim 1. That regarding the file system, the

invention teaches virtual directories and file directories. That the present invention teaches web

browser templates files and dynamic reports in html.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e.,template files

and dynamic reports, etc.) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the present invention teaches web browser

template files and dynamic reports, a recitation of the intended use of the claimed invention must

result in a structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art structure is

capable of performing the intended use, then it meets the claim.L

Furthermore, as to the claimed limitation. All that is required is a web server in

communication with said toolkit, a file system in communication with said tool kit, and a web.

As to a web server in communication with said toolkit. 0072 discloses a web server in

communication with generated system files. As stated in claim 1, toolkit programs, stored in said

database was disclosed by Lee, 0065, 0004, and 0038. Hence, Lee suggests "a web server in communication with said toolkit". As to "a file system in communication with said toolkit" where it was asserted that the present invention teaches web browser template files and dynamic reports in html and not virtual directories or file directories. The examiner directs the applicant to IEEE 100 7th edition The authoritative dictionary of IEEE standard terms. A file system is merely a collection of files and certain of their attributes. A file directory obviously falls under this definition. Furthermore, applicant asserts that the present invention teaches web browser template files and dynamic reports in html. However, Lee further discloses template files, 0066, and generating reports 0065. Hence, Lee further discloses applicant's assertion of the present invention teaches template files and dynamic reports. Lee discloses, a web browser, 0004. Lee discloses 0084 dynamic reporting. Lee discloses 0084 dynamic web pages. Hence Lee suggests the final limitation in claim 4, "at least one remote web browser running on a web browsing device connected to the Internet" (web browser) ", wherein said system generates dynamic web pages base on data and programs stored in said database" (dynamic web pages) ", whereby a user can interact with said application and view said web pages" (web browser). A browser obviously allows a user to interact with the web application for at the very minimum a display. A web browser is obviously run off a computer, and from the traversal of claim 3 the system is also connected to Internet. Therefore, Lee further suggests the limitations of claim 4.

I. Page 19, Claim 5. Assertions directed towards "the system of claim 4, further comprising a second web browser being viewed by a second user, wherein said web pages can be customized

for specific users, such that the dynamic web page generated for the first user is different than the

dynamic web pages generated for the second user.

That the present invention teaches that the web sites are generated completely dynamically

allowing for a check to be performed on which user is accessing the application and in return

display user specific html or content – even if the exact same page is requested. That Lee

generates static ASP compatible html pages. Static pages have embedded queries. That Lee's

disclosure would only allow for different pages to be displayed if they were already generated

for a given user and accessed separately.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., allowing for

a check to be performed on which user is accessing the application and in return display user

specific html or content) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the limitation of claim 5 is not suggested which

contains "wherein said web pages can be customized for specific users, such that the dynamic

web page generated for the first user is different than the dynamic web page generated for the

second user", a recitation of the intended use of the claimed invention must result in a structural

difference between the claimed invention and the prior art in order to patentably distinguish the

claimed invention from the prior art. If the prior art structure is capable of performing the

intended use, then it meets the claim.

One of ordinary skill in the art would know that a web application would be able to be

used by more than one user from a second web browser. It is further noted that Lee suggests

multiple system users 0041. Further disclosing use of web browsers by users 0087. Hence, Lee

suggests the disclosed claim limitation of a second web browser being viewed by a second user.

Furthermore, Lee discloses dynamic web pages using php or asp coding languages. Applicant

asserts that the web sites are generated completely dynamically allowing for a check to be

performed on which user is accessing the application and in return display user specific html.

First, the claim does not state that. Second the claim states that it's possible that "said web

pages can be customized for specific users, such that the dynamic web page generated for the

first user is different than the dynamic web page generated for the second user." Applicant

asserts that Lee's disclosure would only allow for different pages to be displayed if they were

already generated for a given user and accessed separately. Hence, applicant's appear to admit

that different web pages may be generated for different users. Therefore, the claim requirement

is met because the web pages have been customized for specific users, such that the dynamic web

page generated for the first user is different than the dynamic web page generated for the second

user. E.g. as long as there are different web pages for different users, the claim is suggested.

Furthermore, the examiner respectfully disagrees with applicant that Lee's disclosure would

only allow for different pages to be displayed if they were already generated for a given user.

There appears to be no such requirement in Lee. Lastly, whether the different pages are

accessed separately or at the same time does not appear to matter in the claim or Lee for that

matter. Furthermore, one of ordinary skill in the art would know that web applications may be

accessed at the same time. E.g. e-mail services for several users produce dynamic web pages for

a specific user at the same time.. An example would be yahoo mail, google mail, hotmail, etc.

Hence the claimed limitation is very well known and does not distinguish the claim for

patentability and/or well known ideas/applications.

In summary, Lee suggests a second web browser being viewed by a second user (0041,

system users, 0087, web browsers). Lee further suggests wherein web pages can be customized

for specific users (0084 user reports are dynamic web pages). Since Lee discloses dynamic web

pages are able to be created it is therefore suggested that dynamic web pages generated for a

first user is different than the dynamic web page from the second user. Furthermore, the

combination of Twaddle, abstract, further settles this by stating that it is possible to

"dynamically generate user specific web-page which are capable of providing user specific

information content personal to that particular user specific information. Hence, it is therefore

more explicitly stated in the twaddle reference that "dynamic web page generated for the first

user is different than the dynamic web page generated from the second user". One of ordinary

skill in the art at the time the invention was made would have been motivated combine the

teachings of Twaddle of "dynamically generate user specific web-page" to Lee's system in order

to provide user specific data to user accounts.

J. Page 19, claim 6. Assertions directed to "The system of claim 4, wherein the system

generates web pages for a plurality of formats." That in the present invention, "the application

programs reference the interface programs to generate dynamic web pages that have a common

look and feel" That the web pages are totally dynamic. That Lee discloses preexisting ASP

pages unlike the application, which the pages are fully dynamically generated. That Lee

generates static ASP compatible HTML pages. Lee's static pages have embedded queries.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e. That the

application programs reference the interface programs to generate dynamic web pages that have

a common look and feel.) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the

claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claim states wherein the system generates web pages for a plurality of formats. First,

the phrase format was ill defined by applicants in respect to the claim. It is because different

languages are able to be used e.g. php, asp, etc. are able to be used in creating the application,

it is therefore suggested by Lee that a plurality of different formats (e.g. languages such as php,

asp, etc.) are able to generate the dynamic web pages. Furthermore, it appears applicant's

argue that different formats appear to mean that the web pages created are different and hence

in a different format. However, the broad reading of the claim appears to fit the claim

limitation. Secondly, even if the claim was read in the way that the applicants' appeared to

intend the claim to mean. It is respectfully submitted that dynamic web pages generated by Lee's

system (0084, dynamic web pages) would anticipate that "the system generates web pages for a plurality of formats.". That is, because different dynamic web pages are generated that different formatted web pages can be made and hence a plurality of formats can be made.

K. Page 20, claim 7. Assertions directed to "the system of claim 6, wherein said format is for a conventional browser." Stating that the web sites are generated completely dynamically, when requested by the browser, allowing for a check to be performed on which browser is being used and in return display browser specific or friendly HTML. Even when the exact same page is requested. That they system of claim 6 wherein said format is for a mobile device, such as a mobile phone or personal digital assistant. That Lee generates static ASP compatible HTML pages. That Lee's static pages have embedded queries.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. the web sites are generated completely dynamically, when requested by the browser, allowing for a check to be performed on which browser is being used and in return display browser specific or friendly HTML. Even when the exact same page is requested. That the format is for a mobile device, such as a mobile phone or personal digital assistant) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the format is for a conventional browser, a recitation of the intended use of the claimed invention must result in a structural difference

between the claimed invention and the prior art in order to patentably distinguish the claimed

invention from the prior art. If the prior art structure is capable of performing the intended use,

then it meets the claim.

The claim states "said format is for a conventional web browser." It would be noted that

Lee discloses a web browser, Lee further discloses that dynamic pages (formats) are created.

Hence, differently formatted pages are able to be created for a web browser. One of ordinary

skill in the art at the time the invention was made would obviously know that a web page (0084,

dynamic web pages) can be viewed through a web browser (0004, browser) such as Microsoft

Internet explorer, Mozilla, etc. That is, because different dynamic web pages are generated;

different formatted web pages can be made and hence a plurality of formats are used. Further, it

is well known that these formats produce web pages to be viewed in a web browser. Hence,

claim 7, "said format is for a conventional web browser" would be anticipated by Lee.

L. page 20-21, claim 9. Assertions directed to "the system of claim 4 further comprising a

predetermined set of code definition files and data definition files, wherein said set of definition

files provides a fully functional web site, comprising:

    a. default data tables,

    b. user interface pages,

    c. graphics,

    d. toolkit programs commonly needed features, such as user accounts, password

management, web site administration, billing, and security, whereby a substantially robust web

· site application is provided without modification of said definition files." That Lee does not

teach a preexisting application. That instead Lee provides application design GUI tool for

defining entities, attributes, and relationships.

In response to applicant's arguments, the recitation "the system of claim 4 further

comprising a predetermined set of code definition files and data definition files, wherein said set

of definition files provides a fully functional website" has not been given patentable weight

because the recitation occurs in the preamble. A preamble is generally not accorded any

patentable weight where it merely recites the purpose of a process or the intended use of a

structure, and where the body of the claim does not depend on the preamble for completeness

but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao,

535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478,

481 (CCPA 1951).

Lastly, as to the claimed limitation, "a. default data tables". Applicant asserts that Lee

does not teach a preexisting application. However, the examiner respectfully disagrees. Post

generation application customization is possible, see figure 2 element 300. Further suggesting

in 0038 using old databases are utilized. Therefore, default data tables for the created

application must be created before customizations to the application are made. Lee further

discloses 0046 default values for the attributes when the designer creates the application.

Accordingly, when customizations are made, there are default data tables already made for the

pre-existing application. As to user interface pages, Lee discloses 0058, html is used for

presentation. As to graphics, Lee discloses 0056, different types of images. One of ordinary skill

in the art at the time the invention was made would obviously know that images are graphics. As

to toolkit programs providing commonly needed features, such as user accounts, password

management, website administration, billing and security, whereby a substantially robust web

site application is provided without modification of said definition files, Lee discloses 0081 the

ability to manage user accounts, and that 0008, these applications are automatically generated

software. Hence, Lee anticipates claim 9 as claimed.

M. page 21-22, claim 10. Assertions directed towards "the system of claim 9 wherein said

predetermined set of files provides a working example of how to generate an application such as

said robust website application, wherein said working example provides a starting point for

developing a substantially different application by modification of said definition files." Stating

that the present invention teaches a pre-programmed, initial working web site: "the toolkit comes

complete with an initial working database model (that manages those functions common to most

web sites) and the web site user interface pages including graphics code and pre-programmed

modules that can be used as is or customized. They are included in the project and are fully

functional". That in contrast, Lee teaches graphical user interface for HTML interface

parameters.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., a

preprogrammed, initial working web site: "the toolkit comes complete with an initial working

database model (that manages those functions common to most web sites) ad the web site user

interface pages including graphics code and pre-programmed modules that can be used as is or customized. They are included in the project and are fully functional) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to the claimed limitation, Applicants' assert that Lee does not disclose pre-programmed, initial working web site, and that Lee discloses graphical user interface for HTML interface parameters. The examiner directs applicant's towards [0036], where it is often useful to reuse successful designs from previous applications. That is, Lee suggests applicants' argued limitation "said set of files provides a working example of how to generate an application such as said robust website application" "said working example providing a starting point for developing a substantially different application by modification of said definition files." As disclosed in Lee, 0036 old database design files can be spliced to create a new database design file. That is, in designing a new application, it is often useful to reuse successful designs from previous applications. Hence providing previous application files suggests "predetermined set of files provides a working example of how to generate an application such as said robust website application" and because the design files of previous applications are able to be combined, they "provide a starting point for developing a substantially different application by modification of said definition files". Hence, the limitations of claim 10 is anticipated by the Lee reference.

N. page 22 claim 11. Assertions directed towards "wherein said code generator, said database, and the interface and operation of said application can be customized by modifying said code definition files and data definition files.". Stating that claim 11 is dependent on claim 1 and thus should be patentable for all the same reasons as claim 1.

In response, it is respectfully submitted that claim 1 is not patentable over the Lee reference as stated above. Therefore, claim 11 is also rejected for being dependent to a rejected independent claim.

O.   page 22, claim 12. Assertions directed towards "wherein said database contains the structure for said data tables and the data stored in said tables". Stating that Lee does not teach the required structure to support these types of services.

First, there is nothing in the claim that makes the database contained structure specific. In fact, structure is never even mentioned in the specifications. Moreover, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., tables with data that support and include the following: user registration/membership, user roles, etc. on 0085, 0086, 0088, 0089, 0090, 0091, 0092, 0093, 0094, 0095, 0096, 0097) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to the claimed limitation, to expedite the prosecution of the case suppose the claim is positively being claimed. Lee still discloses the limitation " said database contains the structures for said data tables and the data stored in said tables." All the claim requires is a database structure for data tables and data stored in tables. It is obvious to one of ordinary skill in the art at the time the invention was made to recognize that databases are utilized in order to organize data. Hence, databases themselves must have structure for the data tables and data stored in the tables. Therefore, Lee anticipates claim 12.

P. page 23, Claim 13. Assertions directed towards "The system of claim 1 wherein one of said application layer, said interface layer, and said core layer can be changed without changing the remaining two layers, whereby such change results in a difference in said application". Stating that the toolkit has three distinct layers. That, changes made may be made to some layers that affect other layers without the need to regenerate. Essentially what is argued is that Lee fails to teach separate source code architecture layers. Lee 0068 merely refers to customizing the application which is not the same as claim 13.

In response, it is respectfully submitted that 0040 of Lee states that there is software code to define a database, code to define business services, and code to dynamically create a GUI. That is, Lee suggests separate source code and that it is of at least 3 distinct layers. That 0004, Hence, Lee suggests the argued distinction of different layers. Lee further suggests changing one layer while others remain constant by see 0056, changes presentation not business tier nor data tier.

Q. Page 23, Claim 14. Assertions directed to "The system of claim 13 wherein said interface

layer defines a plurality of looks and feels whereby one look and feel can be changed through out

the entire application without changing the remaining looks and feels and without changing the

application layer". Stating that this layer consists of code that dynamically generates the

presentation portion when a function is requested. At that point, decisions may be made

regarding destination browser. That this layer is independent. That Lee does not explicitly state

that the presentation tier is physically separate from other tiers. He only shows the configuration

as a separate step, but not the implementation.

Furthermore in response, it is respectfully submitted that 0040 of Lee states that there is

software code to define a database, code to define business services, and code to dynamically

create a GUI. That is, Lee suggests separate source code and that it is of at least 3 distinct

layers. Hence, Lee suggests the argued limitation.

R. Page 24, claim 17. Assertions directed towards "The system of claim 13 wherein said

application layer defines the operation of the application, whereby changing the application layer

results in a different functional application". Stating that claim 17 is dependent to claim 13 and

thus should be patentable for all the same reasons as 13.

In response, both claim 13 and claim 17 are dependent to claim 1 and is therefore rejected.

S. Page 24, claim 18. Assertions directed towards "the system of claim 13 wherein said database contains a plurality of customizations that result in a plurality of substantially different applications, and wherein the core layer defines the operation of the system itself, whereby changing the core layer results in providing system wide functionalities that affect all applications." That there is no mention of a core layer equivalent tier. That Lee merely talks about customizing, but not specifically how.

It is respectfully submitted that the examiner respectfully disagrees with applicants' that a core layer is not suggested by Lee. Lee discloses a business tier. 0004, discloses that the business tier enforces business rules. One of ordinary skill in the art at the time the invention was made would recognize that business rules by definition are rules under which an organization operates (that is, core rules that a business operates under). Hence changing a business rule creates system wide changes. 0068 states customization of the generated software may include direct manipulation or modification of the generated software application to add custom features not included by default. 0009 states that the software application includes the business tier. 0040, suggests separate code for 3 different layers, one of which is a business tier. Hence, Lee suggests applicant's claimed limitation. Lee suggests a core layer (could be construed as business tier). Defines operations of the system (business rules). Lee suggests customization by direct manipulation or modification (therefore, it is specific as to customization method.).

T. page 25, claim 20(a). Assertions directed towards "a system comprising a web server, a database, a toolkit, and an application code generator, a method of producing custom web sites with substantially different looks and operations for diverse business disciplines comprising the steps of:

a. defining data in data definition files" Stating that the present invention data definition files are, for example, Oracle SQL files that contain create table statements. That Lee teaches that this design database file is converted to XML and created by the design program.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., files that contain create table statements) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the claim merely requires "defining data in data definition files". Lee discloses the "defining data"(data in xml document) "in data definition files" (xml document). Therefore Lee anticipates the limitation.

U. page 25, claim 20(b). Assertions directed towards "b. specifying code in code definition files". That the present invention the code generator uses code definition files to generate database programs, for example PL/SQL as stored procedures in an oracle database.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e.That the code

generator uses code definition files to generate database programs. That these are stored

procedures in an oracle database.) are not recited in the rejected claim(s). Although the claims

are interpreted in light of the specification, limitations from the specification are not read into

the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to the claim limitation itself, the claimed limitation only requires specifying code in

code definition files. That is, there is a mere claim of computer code defined in a file. Lee 0036,

discloses design database files. That these design database files can be based off of other

previously existing design database files. Hence, in creating applications for example, a design

database file for the new application may be specified from multiple pre-existing database files

(i.e. in designing a new application, it is often useful to reuse successful designs from previous

applications). Lee therefore suggests the recited limitation.

V. page 25 claim 20(c). Assertions directed to generating data tables based on said data

definition files. That the present invention tables are generated for example in an Oracle

database from a set of files containing Oracle create table sequence, index, triggers, etc. That in

contrast Lee uses a different paradigm, i.e. different means.

First, in response to applicant's argument that the references fail to show certain features

of applicant's invention, it is noted that the features upon which applicant relies (i.e., That the

present invention uses a create table statement file as "data definition file". The tables are

generated in an Oracle database from a set of files containing Oracle create table, sequence,

indexes, triggers.) are not recited in the rejected claim(s). Although the claims are interpreted in

light of the specification, limitations from the specification are not read into the claims. See In

re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Hence, there is no

requirement that the tables are generated in an oracle database from a set of files containing

oracle create table, sequence, indexes, triggers, etc. Nor any requirement that the data

definition files must be a create table statements file.

Secondly, as to applicant's statement that Lee utilizes "a different means. It appears

applicant's admit that Lee discloses the same functionality however under a different means (i.e.

does not utilize oracle).

MPEP 2144.04 (VI) (C)

Rearrangement of Parts

In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic
power press which read on the prior art except with regard to the position of the
starting switch were held unpatentable because shifting the position of the
starting switch would not have modified the operation of the device.); In re Kuhle,
526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact
in a conductivity measuring device was held to be an <u>obvious matter of design</u>
<u>choice</u>). However, "The mere fact that a worker in the art could rearrange the
parts of the reference device to meet the terms of the claims on appeal is not by
itself sufficient to support a finding of obviousness. The prior art must provide a
motivation or reason for the worker in the art, without the benefit of appellant's
specification, to make the necessary changes in the reference device." Ex parte
Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

One of ordinary skill in the art at the time the invention was made would have known to utilize

all kinds of different database systems in order to create a table. One of ordinary skill in the art

would recognize there are many different types of tools to use for databases, especially well

known tools such as Oracle. Essentially, it does not necessarily matter, what tool such as

Microsoft SQL server, Oracle, MySQL, etc. is used as long as it is able to fulfill the intended

functionality of the claimed limitation.

Lastly, as to the claim limitation itself, Lee suggests "generating data tables based on said data

definition files".

W. Claim 20(e). Assertions directed towards "e. storing said generated code in said database

along with said toolkit, and.." Stating that in the present invention the system may, for example

work, completely from PL/SQL code as stored procedures in an oracle database. That in contrast

Lee uses a different paradigm. I.e. different means.

First, in response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant relies (i.e.

completely from PL/SQL code as stored procedures in an oracle database.) are not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Secondly, as to applicant's statement that Lee utilizes "a different means. It appears

applicant's admit that Lee discloses the same functionality however under a different means (i.e.

does not utilize oracle).

MPEP 2144.04 (VI) (C)

Rearrangement of Parts

In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.); In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an <u>obvious matter of design choice</u>). However, "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

One of ordinary skill in the art at the time the invention was made would have known to utilize all kinds of different database systems in order to store procedure code in a database. One of ordinary skill in the art would recognize there are many different types of tools to use for databases, especially well known tools such as Oracle. Essentially, it does not necessarily matter, what tool such as Microsoft SQL server, Oracle, MySQL, etc. is used as long as it is able to fulfill the intended functionality of the claimed limitation.

Lastly, as to the claim limitation, the claim limitation merely states, "storing generated code in database with said toolkit". Lee, discloses 0065 the generator program creates stored procedure code within the generated database. Hence, Lee suggests "storing generated code in database with said toolkit". Lee therefore suggests the cited limitation.

X. page 26, Claim 20(f). Assertions directed towards "f. modifying data stored in said database associated with at least one of said websites, whereby said system will dynamically generate web pages for at least one of said websites having a substantially different look or operation than at

least one other of said websites." Stating that the present invention, the system is completely

dynamic allowing even for (data parameter values) to govern how pages are generated, look and

feel. That in contrast Lee uses a different paradigm. I.e. different means.

First, as to applicant's statement that Lee utilizes "a different means". It appears

applicant's admit that Lee discloses the same functionality however under a different means (i.e.

does not utilize oracle).

MPEP 2144.04 (VI) (C)

Rearrangement of Parts

In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) (Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.); In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an <u>obvious matter of design choice</u>). However, "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

One of ordinary skill in the art at the time the invention was made would have known to utilize

all kinds of different database systems in order to store procedure code in a database. One of

ordinary skill in the art would recognize there are many different types of tools to use for

databases, especially well known tools such as Oracle. Essentially, it does not necessarily

matter, what tool such as Microsoft SQL server, Oracle, MySQL, etc. is used as long as it is able

to fulfill the intended functionality of the claimed limitation.

Secondly, 0084 discloses dynamic web pages. 0036 discloses that an application may be built by

combining files of prior created applications. Hence, Lee suggests modifying data stored (old

database design files of prior applications) in said database associated with at least one of said

websites (applications that used databases such as db2), whereby said system will dynamically

generate web pages for at least one of said websites having a substantially different look or

operation than at least one other of said websites (0084, dynamic web pages.). Because

application may be built by combining files of prior created applications, there is at least a

substantially different look or operation for the dynamic web pages generated. Therefore, Lee

anticipates the claimed limitation.

Y. Page 26-27, Claim 5. Assertions directed towards "the system of claim 4, further comprising

a second web browser being viewed by a second user, wherein said web pages can be

customized for specific users, such that the dynamic web page generated for the first user is

different than the dynamic web pages generated for the second user." That Twaddle also does

not teach this.

In response, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they

amount to a general allegation that the claims define a patentable invention without specifically

pointing out how the language of the claims patentably distinguishes them from the references.

In response, to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., from page 19,

allowing for a check to be performed on which user is accessing the application and in return

display user specific html or content) are not recited in the rejected claim(s). Although the

claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the limitation of claim 5 is not suggested which

contains "wherein said web pages can be customized for specific users, such that the dynamic

web page generated for the first user is different than the dynamic web page generated for the

second user", a recitation of the intended use of the claimed invention must result in a structural

difference between the claimed invention and the prior art in order to patentably distinguish the

claimed invention from the prior art. If the prior art structure is capable of performing the

intended use, then it meets the claim.

One of ordinary skill in the art would know that a web application would be able to be

used by more than one user from a second web browser. It is further noted that Lee suggests

multiple system users 0041. Further disclosing use of web browsers by users 0087. Hence, Lee

suggests the disclosed claim limitation of a second web browser being viewed by a second user.

Furthermore, Lee discloses dynamic web pages using php or asp coding languages. Applicant

asserts that the web sites are generated completely dynamically allowing for a check to be

performed on which user is accessing the application and in return display user specific html.

First, the claim does not state that. Second the claim states that it's possible that "said web

pages can be customized for specific users, such that the dynamic web page generated for the first user is different than the dynamic web page generated for the second user." Applicant asserts that Lee's disclosure would only allow for different pages to be displayed if they were already generated for a given user and accessed separately. Hence, applicant's appear to admit that different web pages may be generated for different users. Therefore, the claim requirement is met because the web pages have been customized for specific users, such that the dynamic web page generated for the first user is different than the dynamic web page generated for the second user. E.g. as long as there are different web pages for different users, the claim is suggested. Furthermore, the examiner respectfully disagrees with applicant that Lee's disclosure would only allow for different pages to be displayed if they were already generated for a given user. There appears to be no such requirement in Lee. Lastly, whether the different pages are accessed separately or at the same time does not appear to matter in the claim or Lee for that matter. Furthermore, one of ordinary skill in the art would know that web applications may be accessed at the same time. E.g. e-mail services for several users produce dynamic web pages for a specific user at the same time. An example would be yahoo mail, google mail, hotmail, etc. Hence the claimed limitation is very well known and does not distinguish the claim for patentability and/or well known ideas/applications.

In summary, Lee suggests a second web browser being viewed by a second user (0041, system users, 0087, web browsers). Lee further suggests wherein web pages can be customized for specific users (0084 user reports are dynamic web pages). Since Lee discloses dynamic web pages are able to be created it is therefore suggested that dynamic web pages generated for a first user is different than the dynamic web page from the second user. Furthermore, the

combination of Twaddle, abstract, further settles this by stating that it is possible to

"dynamically generate user specific web-page which are capable of providing user specific

information content personal to that particular user specific information. Hence, it is therefore

more explicitly stated in the twaddle reference that "dynamic web page generated for the first

user is different than the dynamic web page generated from the second user". One of ordinary

skill in the art at the time the invention was made would have been motivated combine the

teachings of Twaddle of "dynamically generate user specific web-page" to Lee's system in order

to provide user specific data to user accounts.

Z. Page 27, claim 8. Lee does not mention phone, wap, or WML. Lee generates static html

pages with ASP hooks. That further mansour does not mention WML nor any mention of

dynamically generating pages for specific users.

In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., decisions

made regarding destination browser and WML) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993).

It is further noted that WML is not even stated in the specifications.

In response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The claimed limitation stated, "the system of claim 6, wherein the format is for a mobile

device such as a mobile phone or personal digital assistant.". Lee disclosed the system of claim

6 as stated above. However, Lee did not disclose said format is for a mobile device. However,

Mansour disclosed the use of WAP browsers. Just as applicant's claimed WAP browsers,

[Applicant's pgpub specifications, 0103]. Mansour and Lee are directed to the same field of

endeavor, e.g. user interfaces. One of ordinary skill in the art at the time the invention was made

would have been motivated combine the teachings of Mansour of including a WAP browser

format for mobile devices to Lee's system for the purpose of "formatting for the UI, which

preferably utilizes a number of native UI controls that are available locally at the client device"

(Mansour, abstract). One of ordinary skill in the art would know that WAP browsers utilize

WML. And that WAP browsers are generally are for wireless devices such as mobile phones and

pdas. Hence the combination of Lee and Mansour anticipates the claimed limitation.

AA. Page 28, claim 19. That the present invention teaches for example a single server hosting a

plurality of applications. That this is facilitated for example, through Oracle's accounts and

grants for use of other account tables, data triggers, procedures, etc. That this is also facilitated

through the multi-layer architecture keeping the core layer separate from the other layers. That

neither Lee nor Monsier nor the combination of Lee and Monsier disclose this.

In response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As to the claim limitation, claim 19 merely requires an internet server configured for

hosting substantially large number of applications. As stated by applicant, a single server

hosting a plurality of applications. Mansour suggests the above limitation stating 0056, that

each client device may be configured to connect to the Internet via an internet service provider.

In 0060 mansour is more explicit stating that the server is used in "executing a number of

server-based applications accessed by the client devices". Hence, Lee in combination with

Mansour suggests the claimed limitation of claim 19.

BB. Page 28, claim 15. That the present invention, the interface layer consists of code that

dynamically generates the presentation portion when a function is requested. At this point

decisions may be made regarding destination browser. That these decisions are made as a

function is requested. This layer is application layer independent. That neither Lee nor Mansour

teach the dynamic pages of the present invention. That as proposed by the examiner the

combination of Lee, Mansour, and twaddle would not necessarily produce totally dynamic

system.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly

point out the patentable novelty which he or she thinks the claims present in view of the state of

the art disclosed by the references cited or the objections made. Further, they do not show how

the amendments avoid such references or objections.

In response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response, the examiner respectfully disagrees with applicants' assertions that Lee,

Mansour, and twaddle would not produce a totally dynamic system. First there is nothing in the

claims nor the specifications that provides what a totally dynamic system would comprise. Even

if it were it is not being claimed. The limitation "Different formats are generated by the toolkit

for display on different web browsing devices" would be suggested at by Lee because Lee 0086

is able to utilize different formatted languages such as php, etc. in order to be displayed on web

browsers. Lee suggests different web browsing devices because there are multiple users (system

users 0041, use of web browsers by users 0087). Hence, Lee suggests different formats generated

by the toolkit for display on different devices. Further disclosing customization of software

applications, 0068. Lee suggests that the customization to a presentation tier is possible. Hence

Lee further suggests "one said change results in changing the look and feel of what is displayed

on a plurality of web browsing devices." However, Mansour is more explicit in changing the

look and feel of what is displayed on a plurality of web browsing devices by stating 0021,

creating a look and feel that is consistent with the rest of a client device. Further stating that a

client device communicates with a UI server over a network. That the UI server performs

formatting for the UI, which preferably utilizes a number of native UI controls that are available

locally at the client device. That in this manner, the client device need only be responsible for

the actual rendering of the UI. So, when a change is made to the UI server, it is downloaded to

client. Hence Mansour's abstract suggests, "one change results in changing the look and feel"

(UI changes on UI server cause) "of what is displayed on a plurality of web browsing devices"

(all UI on client devices to change). Twaddle, 0061, discloses a more specific dynamic web-

page generation that includes, that WML may be used in order to allow display of the page on a

WAP phone. Hence, suggesting more explicitly "display on different web browsing devices". In

sum, the combination of Lee, Mansour, and Twaddle would suggest the claimed limitation.

CC. page 29, claim 16. Assertions directed towards "the system of claim 15, wherein one of

said plurality of web browsing devices support the WAP format." That in the present invention

the interface layer consists of code that dynamically generates the presentation portion when a

function is requested. That at this point decisions may be made regarding destination browser,

HTML vs. WML, specific user, etc. That these decisions are made as a function is requested.

This layer is application layer independent. That as proposed by the examiner the combination

of Lee, Mansour, and Twaddle would not necessarily produce totally dynamic system.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a

general allegation that the claims define a patentable invention without specifically pointing out

how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly

point out the patentable novelty which he or she thinks the claims present in view of the state of

the art disclosed by the references cited or the objections made. Further, they do not show how

the amendments avoid such references or objections.

In response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are based on

combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re

Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

It is respectfully submitted that there is no such recitation in claim 16. Claim 16 merely

requires that one of said web browsing devices support the WAP format. Mansour is explicit in

this stating in 0008, devices that contain a WAP browser. 0097-0098, makes decisions on what

format to present the UI in depending on the device. The rejection is therefore maintained.

Conclusion

10.   The prior art made of record listed on PTO-892 and not relied, if any, upon is considered

pertinent to applicant's disclosure.

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924. The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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